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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,078	06/04/2001	Franciscus Roffelsen	VRNGDE P46US	2629

7590 01/28/2003

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EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,078

Applicant(s)

ROFFELSEN, FRANCISCUS

Examiner

Ramesh Krishnamurthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 8 - 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 - 12 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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This office action is responsive to amendment filed 11/21/2002.

Claims 1, 2 and 8 – 12 are pending.

1. **The disclosure is objected to because of the following informalities: The specification lacks section headings such as Introduction, Summary of Invention, Brief description of drawings, etc. See MPEP 608.01(a)**

Appropriate correction is required. It is noted that this issue was communicated to the applicant in the previous office action mailed out on 05/21/2002 but the applicant has not submitted an appropriate correction.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toennesen.

Toennesen discloses a check valve (Fig. 4) comprising, a valve member (70,71) with a channel (76) opening into a groove (74) blocked by a flexible, ring-like valve element (75) that is displaceable to allow fluid flow past it. The pre-tension on the valve element is adjustable by relative movement between parts (70) and (71) that are connected to each other by screw threads. A screening cap is provided via screw connection to the valve member (70).

The patent to Toennesen discloses the claimed features with the exception of disclosing the flexible, ring-like valve element (75) as an O-ring i.e. flexible, ring-like

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valve element with a circular cross-section. The flexible, ring-like valve element (75) in Toennesen has a non-circular cross-section.

However, to substitute an O-ring for the flexible, ring-like valve element (75) is considered to be an obvious design expedient over these features as disclosed in Toennesen that provides no new and/or unexpected results nor solves any stated problem. Furthermore, applicant admits to the fact (page 8, lines 18, 19 of the specification) that "for an O-ring, any suitable cross section other than circular may be opted for" thereby supporting the examiner's reasoning that the choice of an O-ring i.e. flexible ring-like valve element with a circular cross-section is a design expedient.

3. Claims 8 – 12 are allowed.

Response to Arguments

4. Applicant's arguments filed 11/21/2002 have been fully considered but they are not persuasive. Applicant's arguments concerning the rejection of claims 1 and 2 pertain to characterizing the use of the claimed O-ring in place of the flexible, ring like valve element (75) in Toennesen reference as being dictated by design choice in the office action set forth in paper no. 7.

5. The applicant has provided in the response a list of advantages to be had by using an O-ring. However, the disclosure as filed lacks any specific mention of such advantages to be had by using an O-ring. Furthermore, regarding the reference to Fig. 2 on page 5 of the response, the argument that two-or more O-rings can be used is not

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pertinent to the rejection of claims 1 and 2 since such a feature has not been recited in the claims 1 and 2.

6. However, all the arguments concerning the advantages of using an O-ring in relation to the rejection of claims 1 and 2 are rendered moot since the applicant admits to the fact (page 8, lines 18, 19 of the specification) that "for an O-ring, any suitable cross section other than circular may be opted for" thereby supporting the examiner's reasoning that the choice of an O-ring i.e. flexible ring-like valve element with a circular cross-section is indeed a design expedient as set forth in paper no. 7 and as set forth above in paragraph 2.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (703) 305 - 5295. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Buiz, can be reached on (703) 308 - 0871. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 308 - 7765.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.

Ramesh Krishnamurthy
Examiner
Art Unit 3753
January 24, 2003



Michael Powell Buig
Supervisory Patent Examiner
US Patent & Trademark Office

1/24/03